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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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David A. Brown

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2407

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03/10/2006

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/733,629 | BROWN, DAVID A. | |
| | Examiner | Art Unit | |
| | Shick C. Hom | 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/6/06 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9 line 10, which recite "the second subtree root node" lacks clear antecedent basis because no second subtree root node have been previously recited in the claim and therefore the limitation is not clearly understood. Likewise, in claim 10 line 2 which recite "the memory" lacks clear

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antecedent basis. Claims 11-12 are rejected under 35

U.S.C. 112, second paragraph because they depend from rejected claim 9.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 7-9, and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tzeng (6,067,574).

Regarding claims 1, 5, 9, 13:

Tzeng discloses a method for updating a lookup table comprising the steps of: providing access to a first set of routes stored in nodes of a first subtree, the first subtree being accessed through a first pointer to a first subtree root node; storing a second set of routes stored in nodes of a second subtree, the second subtree being accessed through a second

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pointer to a second subtree root node, while access is provided to the first set of routes stored in the first subtree by the first by the first pointer; and switching access to the second set of routes stored in the second subtree by replacing the first pointer to the first subtree root node with the second pointer to the second subtree root node (see col. 2 lines 18-45, col. 2 line 64 to col. 3 line 17, and col. 3 line 63 to col. 4 line 23 which recite the IP routing lookup table having pointer to the root node of a tree, insertion and deletion of entries in the lookup table, and whereby the subtree begins at the root node of the tree, respectively; col. 4 line 56 to col. 5 line 12 and col. 5 lines 55-63 which recite a tree can be partitioned into multiple small trees and each node of the tree or subtree having pointer to its descendants clearly reads on routes being stored in nodes of a subtree).

Regarding claims 3-4, 7-8, 11-12:

Tzeng discloses wherein the number of routes in the first set of routes is less than or greater than the number of routes in the second set of routes (see Fig. 3 where the number of routes from node B is greater than the number of routes from node C).

Regarding claims 14-17:

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Tzeng discloses wherein the first set of routes and the second set of routes include a longest prefix route for the destination address; wherein the destination address includes an IP Protocol address; wherein the second set of routes includes another route corresponding to the longest prefix route for another destination address; wherein the first set of routes and the second set of routes are associated with nodes at the bottom level of a subtree (see the abstract and col. 3 line 53 to col. 4 line 23 which recite the use of the destination address includes searching for the prefix having the longest match when compared to the destination address; and col. 1 lines 8-10 which recite the stored IP routing information).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. Claim 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzeng (6,067,574) in view of Nakatsu et al. (5,787,151).

For claims 2, 6, and 10, Tzeng discloses the method and apparatus described in paragraph 4 of this office action. Tzeng discloses all the subject matter of the claimed invention with the exception of the step and means of deallocating the memory used by the first set of routes after switching access.

Nakatsu et al. from the same or similar fields of endeavor teach that it is known to provide the step and means of deallocating the memory used by the first set of routes after switching access (see col. 12 lines 13-29 which recite upon call termination, the manager deallocating the memory buffers to be available for use by other call flows). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step and means of deallocating the memory used by the first set of routes after switching access as taught by Nakatsu et al. in the method and apparatus of Tzeng. The step and means of deallocating the memory used by the first set of routes after switching access can be implemented by connecting the memory manager of Nakatsu et al. to the memory of Tzeng. The motivation for using the

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memory manager as taught by Nakatsu et al. in the method and apparatus of Tzeng being that it provides more efficiency for the system since the system can function using less memory by deallocating the memory no longer needed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morse discloses a computer method and system for allocating and freeing memory utilizing segmenting and free block lists.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH


DANG TON
PRIMARY EXAMINER